
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Patriot Communication Services Inc.)	File No.: EB-FIELDSCR-14-00015102
Owner of Antenna Structure No. 1037282)	
)	NOV No.: V201432560008
Peculiar, MO)	
)	

NOTICE OF VIOLATION

Released: April 23, 2014

By the District Director, Kansas City Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Patriot Communication Services Inc., owner of antenna structure number 1037282 in Peculiar, MO. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On February 11, 2014, an agent of the Enforcement Bureau's Kansas City Office investigated a complaint regarding an lighting outage on antenna structure number 1037282 located at Route J 2.72 miles North of Peculiar, Missouri, and determined the following violation(s):

- a. 47 C.F.R. § 17.48(a): *"The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes Federal Aviation Administration (FAA) any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected and the name, title, address, and telephone number of the person making the report. Further notification*

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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by telephone or telegraph shall be given immediately upon resumption of normal operation of the light or lights.” Patriot Communication Services Inc. was informed of the light outage on antenna structure 1037282 on February 11, 2014 at approximately 10:12 A.M. E.S.T. According to the FAA webpage, Patriot Communication Services Inc. did not notify the FAA of the outage until 3:31 P.M. E.S.T. on February 11, 2014.

- b. 47 C.F.R. § 17.49: *“The owner of each antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part must maintain a record of any observed or otherwise known extinguishment or improper functioning of a structure light and include the following information for each such event: (a) The nature of such extinguishment or improper functioning. (b) The date and time the extinguishment or improper operation was observed or otherwise noted. (c) Date and time of FAA notification, if applicable. (d) The date, time and nature of adjustments, repairs, or replacements made.”* In the response to a Letter of Inquiry, Patriot Communication Services Inc. admitted that it did not keep records or a log of extinguished or improper functioning lights.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Patriot Communication Services Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Patriot Communication Services Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Patriot Communication Services Inc. with personal knowledge of the representations provided in Patriot Communication Services Inc.’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the company’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

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fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Kansas City Office
520 NE Colbern Road, 2nd Floor
Lee's Summit, MO 64086

6. This Notice shall be sent to Patriot Communication Services Inc. at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage
District Director
Kansas City District Office
South Central Region
Enforcement Bureau

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).